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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the matter of )  
 )  
Amendment of Section 73.202(b), )  
Table of Allotments )  
FM Broadcast Stations )  
(Bolingbroke and Yatesville, )  
Georgia) )

MM Docket No. \_\_\_\_\_  
RM \_\_\_\_\_

To: Chief, Mass Media Bureau

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**PETITION FOR RULEMAKING  
AND MODIFICATION OF CONSTRUCTION PERMIT**

Joseph J. Kendrick ("Petitioner"), permittee of radio station WDBS (FM),  
Bolingbroke, Georgia, pursuant to 47 C.F.R. §1.420(i), hereby respectfully petitions the  
Commission to amend 47 C.F.R. §73.202(b), the Table of Allotments for FM Broadcast  
Stations in the following manner:

**Community**

**Channel No.**

**Present**

**Proposed**

Bolingbroke  
Yatesville

271A  
---

---  
271C3

In support whereof, the following is shown:

1. In Modification of FM and TV Authorizations to Specify a New Community of License ("Modification"), 4 FCC Rcd 4870 (1989), recon. granted in part ("Modification Recon.") 5 FCC Rcd 7094 (1990), the Commission adopted 47 C.F.R. §1.420(i) to permit FM and TV stations to seek changes in their communities of license through rulemaking without subjecting themselves to the risks of losing their authorizations to competing

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applicants. The Commission emphasized that petitioners seeking such changes would be required to demonstrate that their proposals would result in "a net service benefit"; i.e. "a preferential arrangement of allotments." Modification 4 FCC Rcd at 4873, ¶ 25. In particular, the Commission stated that it would not grant such petitions "if the effect would be to deprive a community of an existing service representing its only local transmission service." Id. at 4874, ¶ 28. However, in Modification Recon., the Commission stated that waivers of the prohibition against removal of a community's only local service would be granted in limited cases where a petitioner could demonstrate that its proposal would better serve the mandate of 47 U.S.C. §307(b) than an existing allotment. Petitioner submits that the allocation of Channel 271C3 to Yatesville will better serve the public interest than the existing allotment of Channel 271A to Bolingbroke.

2. Yatesville v. Bolingbroke. Channel 271A was allotted to Bolingbroke to bring that community its first transmission service. See Bolingbroke, Unadilla and Warner Robbins, GA, 5 FCC Rcd 1603 (1990). Yatesville does not now have a local transmission service. However, Yatesville is both more of a "community" and a more independent community than Bolingbroke. Yatesville is listed in 1990 Census as an incorporated community in Upson County with a population of 409 people. It has a mayor, a city counsel, a police force and a fire department. See Attached Engineer Exhibit, p. 2. In contrast, Bolingbroke is not listed in the Census and is not incorporated. According to the Rand McNally 1994 Commercial Atlas and Marketing Guide, Bolingbroke has a post office and a population of 150 people.

3. Service to Rural vs. Urban Areas. In Modification Recon., the Commission addressed the concern that the new rule would result in the migration of stations from rural to urban areas, contrary to the intent of Section 307(b). The Commission stated that when presented with conflicting options of retaining existing allotments or adopting new ones, it will choose the option which best discharges the statutory intent of Section 307(b), 5 FCC Rcd. 7096, ¶ 12, and will consider factors such as

. . . the location of the proposed allotment with respect to other communities and the availability of other services in the communities affected by the proposed change. Under these circumstances it is proper for the Commission to consider whether a proposal would result in shifting of service from an underserved rural to a well-served urban area and the public interest consequences of any such change. (5 FCC Rcd at 7096, ¶ 12).

4. The instant proposal presents the Commission with the precise opposite of the rural-urban area migration discussed above. Petitioner proposes to move his station away from the well-served Macon urbanized area, and provide new service to rural areas which are relatively unserved by existing stations. Thus, while grant of this proposal would increase his station's service area by a factor of 2.58 (from 1791 to 4629 square kilometers), the new area contains some 45,000 fewer people. Eng. Ex., p. 3. Also, while the entire area which will lose service from this proposal is currently served by at least 11 stations, portions of the population and area which would obtain new service from this proposal are now served by as few as two existing stations (465 people) and three existing stations (2783 people). Eng. Ex., pp. 2-3 and Fig. 3. Moreover, while WDBS would serve a substantial part of the city of Macon and of Bibb County, the largest county in the Macon SMSA, with its currently authorized facilities, the instant proposal would not serve any of Macon and only a small portion of Bibb County. Eng. Ex., Fig. 3.

5. Efficient Use of the Frequency. Petitioner proposes an upgrade in Channel 271 from Class A to Class C3 status, and, as mentioned above, much of the area which will receive service from the proposal now receives relatively few services from existing stations.

6. Petitioner's Permit was Awarded in a Comparative Hearing. The permit for WDBS was awarded to Petitioner in a comparative hearing. Leslie E. Gradick, 7 FCC Rcd 3755 (ALJ 1992). In Modification Recon., the Commission stated it would review such grants to determine whether to accept petitions to change communities of license in order to determine whether the petitioner had received "a decisionally significant preference that would not have been granted had the comparative contest been for a station at the new community." 5 FCC Rcd at 7097. While Petitioner did receive a qualitative enhancement to his integration proposal for his local residence in Bolingbroke in the hearing, this preference was not "decisionally significant." Petitioner won the case because the quantitative integration proposal of his only opponent was rejected. 7 FCC Rcd at 3757, ¶ 26 ("The award of 100% quantitative integration credit to Kendrick and the denial of all such credit to Gradick is the determinative factor in this case").<sup>1</sup> Therefor, the fact that Petitioner acquired his permit in a comparative hearing does not adversely affect his eligibility to request the changes described herein.

7. Conclusion. The foregoing paragraphs demonstrate that Petitioner's proposal to remove Channel 271A from Bolingbroke and allot Channel 271C3 to Yatesville will provide the effected area with a fairer, more efficient and more equitable distribution of

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<sup>1</sup> The Commission no longer uses integration of ownership into management as a criterion in deciding comparative cases.

channel allotments. Accordingly, Petitioner respectfully requests that his proposal be adopted and that his permit for WDBS be modified to specify operation on Channel 271C3 at Yatesville. Petitioner represents that if his proposals are adopted, he will immediately proceed to file an application to modify his permit to show the exact facilities he plans to construct and, upon approval of those facilities by the Commission, he will immediately construct them.

Respectfully submitted,

JOSEPH I. KENDRICK

By:



Lawrence J. Bernard, Jr.  
5224 Chevy Chase Parkway, N.W.  
Washington, D.C. 20015  
(202) 237-8215

March 8, 1995

JOSEPH I. KENDRICK  
YATESVILLE, GEORGIA  
ENGINEERING EXHIBIT

February 1995

William Culpepper & Associates, Inc.  
900 Jefferson Drive  
Charlotte, NC 28270

JOSEPH I. KENDRICK  
YATESVILLE, GEORGIA  
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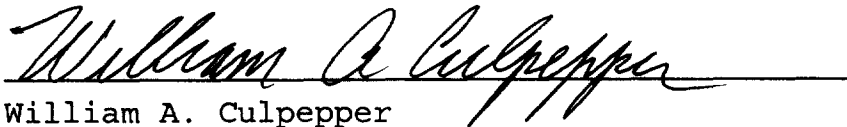
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JOSEPH I. KENDRICK  
YATESVILLE, GEORGIA

DECLARATION

I declare, under penalty of perjury, that I have prepared the attached Engineering Exhibit for Joseph I. Kendrick, permittee of radio station WDBS, and that all of the facts therein, except for facts of which the Federal Communications Commission may take official notice, are true to the best of my knowledge and belief; and that I am a Registered Professional Engineer in the State of Georgia.

Executed on February 27, 1995.

A handwritten signature in cursive script, reading "William A. Culpepper", written over a horizontal line.

William A. Culpepper

William Culpepper & Associates, Inc.  
900 Jefferson Drive  
Charlotte, NC 28270  
704-365-9995



JOSEPH I. KENDRICK

BOLINGBROKE, GEORGIA

NARRATIVE

This exhibit supports the attached petition of Joseph I. Kendrick, permittee of WDBS, channel 271A, Bolingbroke, Georgia. The purpose of the petition is to modify the FM Table of Allotments to reassign channel 271 from Bolingbroke to Yatesville, Georgia, to change the class from A to C3, and to modify the authorization of WDBS accordingly.

Yatesville is an incorporated town in Upson County, Georgia with a 1990 population of 409. It has a mayor, a city council, a police force, and a volunteer fire department. Implementation of this petition would provide Yatesville with a first local radio service.

A tabulation of distances from a reference point to existing facilities, authorizations, applications and known rule making petitions on channel 271 and the first, second, third, fifty-third and fifty-fourth adjacent channels is included in this exhibit. The reference point is 32° 49' 40" north and 84° 14' 35" west. This reference meets the requirements of §73.207, and a class C3 facility there can easily meet the requirements of §73.315 regarding minimum signal strength over the principal community.

The area meeting the requirements of §73.207 and §73.315 is large enough to provide reasonable assurance that a suitable transmitter site will be available if this petition is granted.

Figure 1 shows the 60 dBu contours for the present facility and for a C3 facility located at the reference coordinates. The figure shows the 60 dBu contours of FM stations WAYS, WDEN, and WPEZ, all Macon; WQBZ, Fort Valley, and WMGB, Jeffersonville. The figure also shows the 0.5 mV/m contours of AM stations WBML, WMAZ, WDDO, WKXK, WNEX, and WDEN, all licensed to Macon. The loss area that would be created by implementation of this proposal is identified, and it is clear that this loss area receives service from five FM stations and six AM stations. (AM station WDDO covers approximately 98 per cent of the loss area.)

The authorized and proposed service contours are shown on a county map on Figure 2. The areas and populations of the authorized facility and of a class C3 facility operating at the reference coordinates are as follows:

NARRATIVE... (continued)

|            | AREA                          | POPULATION<br>(1990 DATA) |
|------------|-------------------------------|---------------------------|
| AUTHORIZED | 1791 km <sup>2</sup>          | 120,533                   |
| PROPOSED   | 4629 km <sup>2</sup>          | 75,216                    |
| OVERLAP    | 912 km <sup>2</sup>           | 11,205                    |
| LOSS       | 879 km <sup>2</sup>           | 109,764                   |
| GAIN       | 3717 km <sup>2</sup> (207.5%) | 64,011 (53.1%)            |

The authorized and proposed areas were calculated from the distances to contours, using 5 degree increments. The overlap area was determined by planimeter. Population was determined by a computer program which adds the populations of census districts with centroids within the 60 dBu contour. Population in the overlap area was determined by matching the centroids that occurred in both the authorized and proposed 60 dBu contours.

A class C3 facility operating at the reference coordinates would provide a third broadcast service to 465 people and a fourth service to 2783 people. The areas are shown on the census map of Figure 3. Facilities shown on the map are identified on page 5.

All contours used in the Additional Services Map were calculated at one degree intervals using licensed or authorized facilities. The proposed contour was calculated using a maximum class C3 facility at the reference coordinates. Populations were determined from 1990 census data by using a planimeter and assuming uniform distribution of population. The numbers were derived in the prescribed manner as follows:

| Third Service        |                                | <u>POPULATION</u> |
|----------------------|--------------------------------|-------------------|
| Taylor County        | Butler Division                | 434               |
|                      | Rupert Division                | 23                |
| Macon County         | Ideal Division                 | <u>8</u>          |
| Total third service  |                                | 465               |
| Fourth Service       |                                |                   |
| Taylor County        | Butler Division                | 230               |
|                      | Butler Town                    | 1520              |
|                      | Carsonville-Panhandle Division | 68                |
|                      | Rupert Division                | 315               |
| Marion County        | N. Buena Vista Division        | <u>650</u>        |
| Total Fourth Service |                                | 2783              |

NARRATIVE...(continued)

The spacing requirements for channel 271C3 cannot be met while meeting the city-grade signal requirement for Bolingbroke. Grant of this petition will permit the increased coverage area, and additional service as shown above; it will not create any underserved area, and it will provide a first local broadcast service to the town of Yatesville. The subject of removing service from Bolingbroke is discussed elsewhere in this petition.

If this petition is granted, petitioner will file an application for construction permit promptly, and when granted, will construct the facility in an expeditious manner.

WILLIAM CULPEPPER & ASSOCIATES  
900 JEFFERSON DR - CHARLOTTE NC 28270

JOSEPH I. KENDRICK  
YATESVILLE, GEORGIA

|                                    |                        |          |                 |
|------------------------------------|------------------------|----------|-----------------|
| REFERENCE                          |                        | CLASS C3 | DISPLAY DATES   |
| 32 49 40 N                         |                        |          | DATA 01-27-95   |
| 84 14 35 W                         | Current rules spacings |          | SEARCH 02-25-95 |
| ----- CHANNEL 271 -102.1 MHz ----- |                        |          |                 |

| CALL   | CH#   | CITY          | STATE | BEAR' | D-KM   | R-KM  | MARGIN  |   |
|--------|-------|---------------|-------|-------|--------|-------|---------|---|
| WDBS.C | 271A  | Bolingbroke   | GA    | 72.2  | 32.19  | 142.0 | -109.81 | * |
| WGMG.A | 271C3 | Crawford      | GA    | 37.6  | 153.23 | 153.0 | 0.23    | < |
| WELRFM | 272C3 | Roanoke       | AL    | 283.2 | 105.14 | 99.0  | 6.14    |   |
| WWSG.C | 271A  | Sylvester     | GA    | 165.3 | 148.98 | 142.0 | 6.98    |   |
| WKZR   | 272A  | Milledgeville | GA    | 73.1  | 97.03  | 89.0  | 8.03    |   |
| WGMG   | 271A  | Crawford      | GA    | 37.6  | 153.23 | 142.0 | 11.23   |   |
| WKHXFM | 268C  | Marietta      | GA    | 355.2 | 109.04 | 96.0  | 13.04   |   |
| WHHYFM | 270C  | Montgomery    | AL    | 255.6 | 189.32 | 176.0 | 13.32   |   |
| WJTGFm | 217C1 | Fort Valley   | GA    | 113.1 | 38.75  | 24.0  | 14.75   |   |
| ALOPEN | 271C3 | Crawford      | GA    | 43.0  | 170.65 | 153.0 | 17.65   |   |
| WRCCFM | 269A  | Warner Robins | GA    | 110.4 | 60.07  | 42.0  | 18.07   |   |
| WRCCFM | 269A  | Warner Robins | GA    | 110.4 | 60.07  | 42.0  | 18.07   |   |
| WYIQ.C | 273A  | Warner Robins | GA    | 117.8 | 60.72  | 42.0  | 18.72   |   |
| WJFL.C | 270A  | Tennille      | GA    | 85.7  | 127.45 | 89.0  | 38.45   |   |
| WZAT   | 271C  | Savannah      | GA    | 107.4 | 286.11 | 237.0 | 49.11   |   |

JOSEPH I. KENDRICK

YATESVILLE, GEORGIA

IDENTIFICATION OF STATIONS SHOWN ON THE MAP  
OF UNDERSERVED AREAS

FM STATIONS

|       |                 |           |
|-------|-----------------|-----------|
| 223A  | Zebulon, GA     | WEKS      |
| 227C  | Manchester, GA, | WVFJ-FM   |
| 237A  | Thomaston, GA,  | WTGA-FM   |
| 239C3 | Greenville, GA, | WKZJ      |
| 249A  | Griffin, GA     | WQUL      |
| 253C  | Atlanta, GA     | WSB-FM    |
| 256C1 | Macon, GA       | WAYS      |
| 257C2 | Lumpkin, GA     | WKN       |
| 260A  | Unadilla, GA    | WAFI (CP) |
| 266A  | Thomaston, GA   | WTGA-FM   |
| 275C  | Columbus, GA    | WVRK      |
| 277C  | Atlanta, GA     | WVEE      |
| 287C1 | Macon, GA       | WDEN-FM   |
| 292C2 | Fort Valley, GA | WQBZ      |
| 297C  | Columbus, GA    | WCGQ      |
| 300C1 | Macon, GA       | WPEZ      |

AM STATIONS

|         |             |         |
|---------|-------------|---------|
| 750 kHz | Atlanta, GA | WSB(AM) |
|---------|-------------|---------|

Note: WSB-FM and WVEE diplex into the same antenna.

AM CONTOURS = 0.5 mV/m (DASH)  
 FM CONTOURS = 1 mV/m (SOLID)

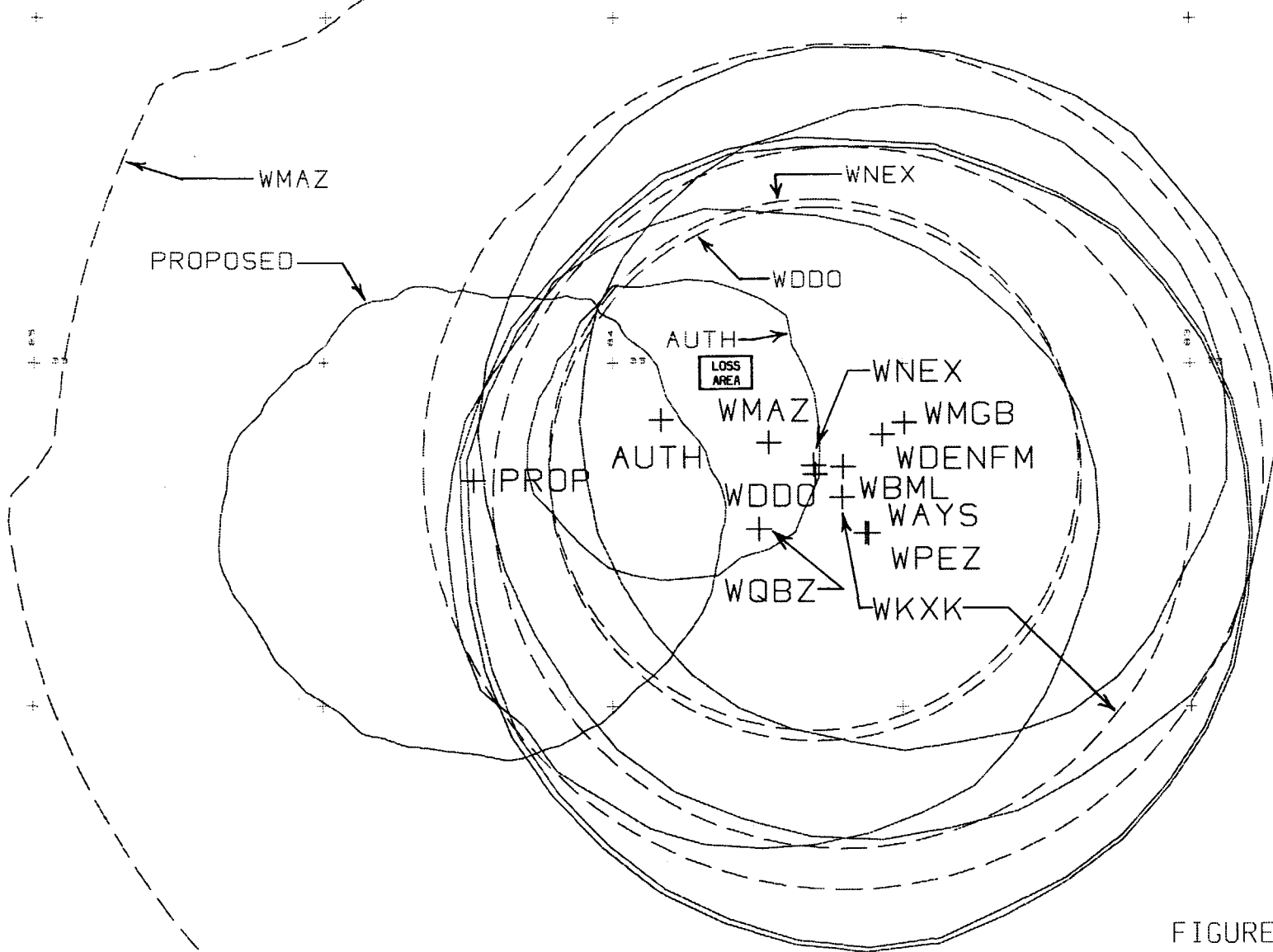
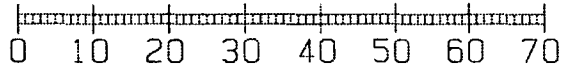


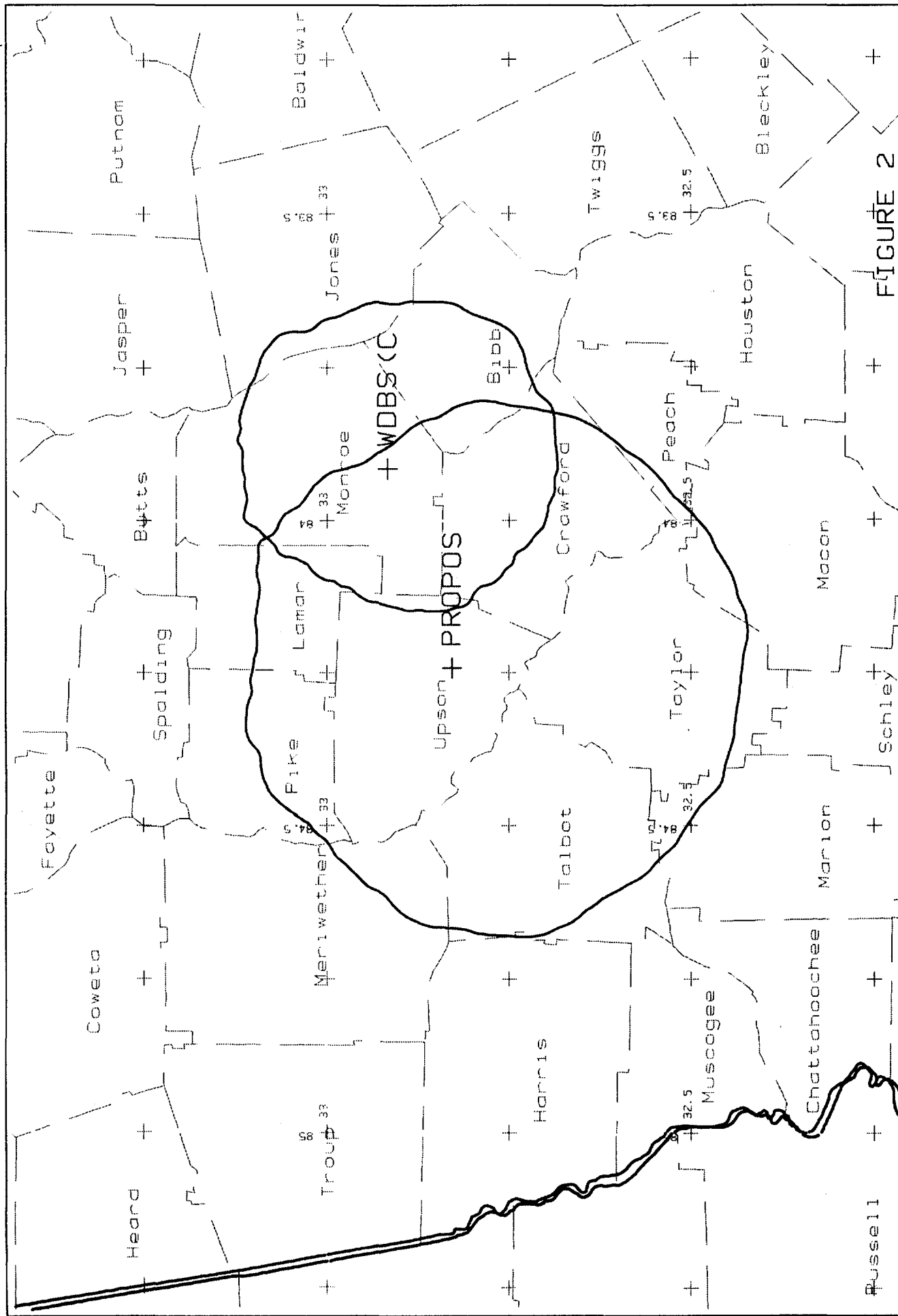
FIGURE 1

Scale in km



AUTHORIZED AND PROPOSED 60 dBu CONTOURS  
 AND SERVICE CONTOURS OF OTHER STATIONS

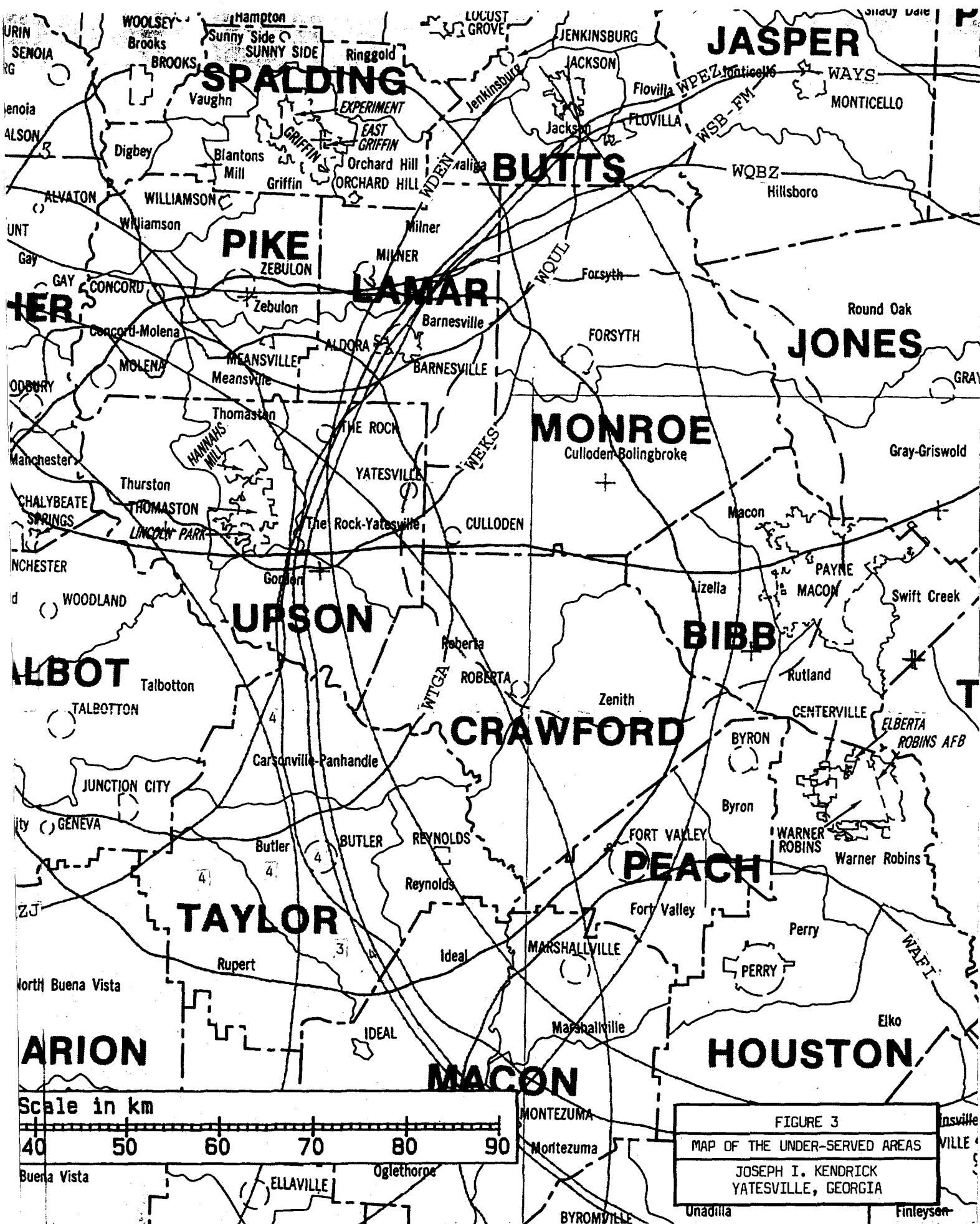
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 YATESVILLE, GA



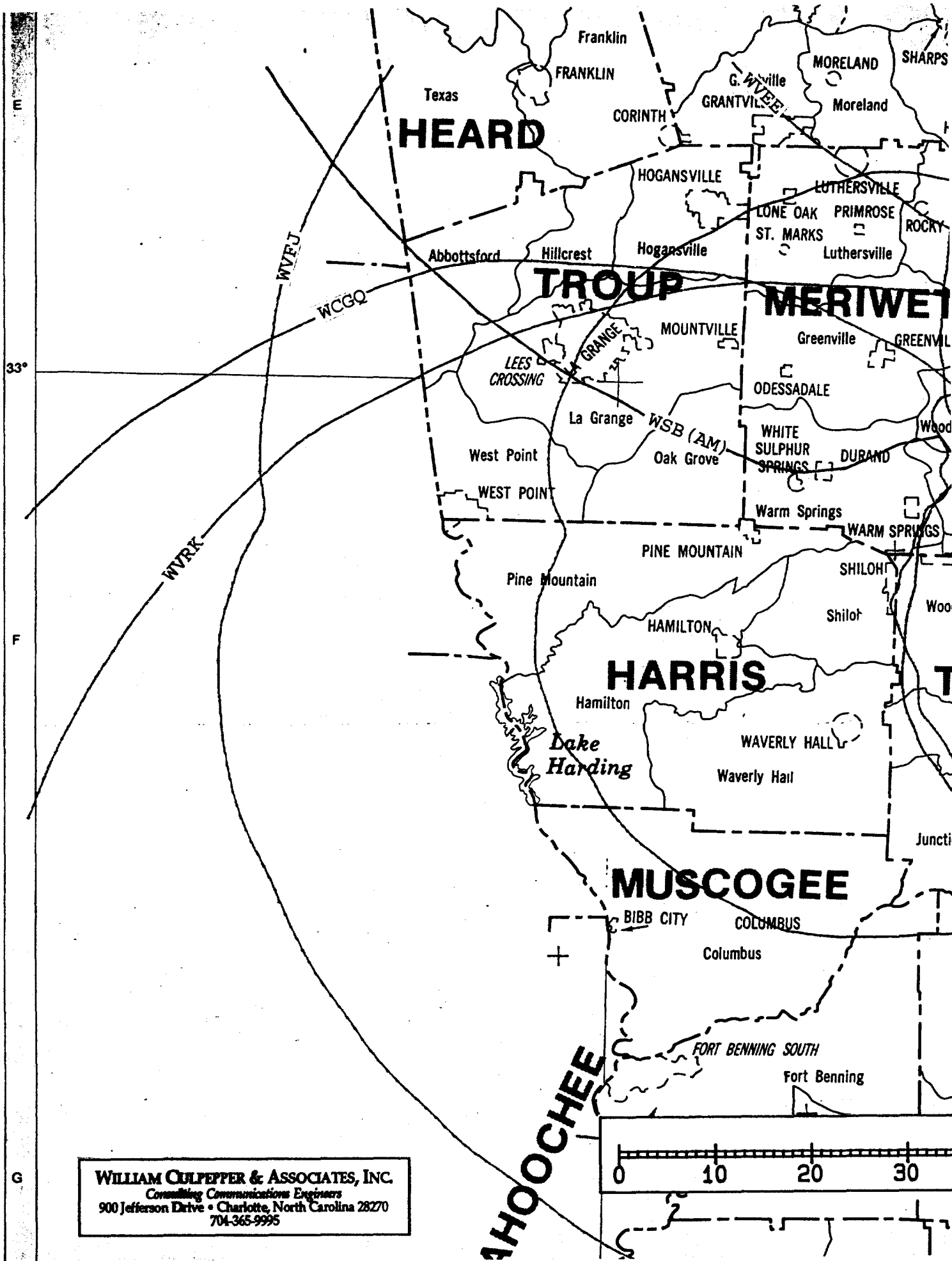
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THE AUTHORIZED 60 dBu CONTOUR OF WDBS  
AND THE 60 dBu CONTOUR AS PROPOSED

FIGURE 2







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